IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Crl.MC.No. 156 of 2007()

L.P.NO.259/06 (CC.323/2003) of JUDL.MAGISTRATE OF FIRST CLASS, PALA

.....

PETITIONER: ACCUSED

PRADEEPKUMAR,
S/O.RAMAKRISHNAN NAIR, AGED 45 YEARS,
ALANCHERIL HOUSE, KUMBANI KARA,
KOTTAYAM DISTRICT
WORKING AS LEADING FIREMAN,
FIRESTATION, KUNNAMKULAM, TRICHUR.

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS: COMPLAINANT

---

1. K.V.JOSEPH, AGED 55 YEARS,
S/O.VARKEY, PROPRIETOR,
ST.MARY'S AGENCIES, PAIKA, POOVARANY.P.O,
PALA, KOTTAYAM.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/01/2007 ALONG WITH CRL.M.C.NO.157 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.156 & 157 of 2007

Dated this the 18th day of January, 2007

ORDER

The petitioner faces indictment in two separate prosecutions under Section 138 of the N.I Act. It is claimed that he is a leading fireman employed in Government service. He did not appear before the learned Magistrate and one of the cases has been transferred to the list of Long Pending Cases by the learned Magistrate. The petitioner finds himself in the unenviable predicament of warrants of arrest issued by the learned Magistrate chasing him in these cases. The petitioner is willing to surrender before the learned Magistrate. According to the learned counsel for the petitioner, the petitioner has valid reason to explain his inability to appear before the learned Magistrate earlier. He apprehends that his application for bail may not be considered on merits, in accordance with law and expeditiously by the learned Magistrate. He has hence come to this Court with a prayer that direction under Section 482 Cr.P.C may be issued to the learned Magistrate to release the petitioner on bail when he appears and applies for bail. It is further prayed that appropriate directions may be issued to ensure that the petitioner is not arrested.

2. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on

merits and in accordance with law and expeditiously. Every Court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339]. The petitioner must immediately surrender before the learned Magistrate and apply for bail.

3. These Crl.M.Cs are, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail, the learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously - on the date of surrender itself, unless there are compelling reasons.

4. Hand over a copy of this order to the learned counsel for the petitioner for production before the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-